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CCL – Information Release  
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TO: ALL CDSS CHILDREN'S RESIDENTIAL LICENSING STAFF  
ALL COUNTY WELFARE DIRECTORS  
ALL CHILD WELFARE SERVICES STAFF

FROM: *Original signed by Pam Dickfoss*  
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Community Care Licensing Division

SUBJECT: **COMMUNICATION WITH FOSTER PARENTS ABOUT  
INVESTIGATIONS REGARDING CHILDREN IN OUT-OF-HOME  
PLACEMENTS**

The Continuum of Care Reform efforts and AB 403, which recently became law, and the Quality Parenting Initiative (QPI) include a statewide approach to the retention and recruitment of high quality caregivers and improvement of the child welfare system. Consistent with the objectives of retention and recruitment of high quality caregivers and ensuring the health and safety of children in out-of-home placements, the purpose of this Information Release is to remind licensing staff and child welfare staff about policies and practices related to respectful communications with foster parents during investigations as previously discussed in All County Letters 05-09 and 12-42. The information in this Information Release should be shared with all licensing and child welfare staff involved with investigations of out-of-home placements.

The California Department of Social Services (CDSS) and the Quality Parenting Initiative have jointly sponsored focus groups and other forums to assess barriers to foster parent recruitment and retention. Many foster parents reported that the complaint investigation process can pose significant barriers to retention and recruitment because investigations put foster parents under suspicion and are stressful. Licensing staff must ensure the safety of foster children while keeping in mind the important principle that foster parents are presumed to have complied with the law until proven otherwise.

The CDSS is committed to developing a complaint investigations process that:  
1) protects the health and safety of children, 2) works with the foster family as a respected partner, 3) is solution-focused, 4) promotes normalcy for children and youth, and 5) is completed in a timely manner.

### **Considerations Related to the Quality Parenting Initiative**

- Health & Safety Code Section 1538 directs CCL to conduct a preliminary review and screen out complaints that are “willfully intended to harass a licensee” or are “without a reasonable basis.” If a complaint does not involve a possible violation of an applicable law, then the complaint is “without a reasonable basis” and the Licensing Program Analyst (LPA) should not initiate an investigation. Frivolous licensing complaints and investigations lead to decreased retention of quality parents. However, we also must ensure that we thoroughly investigate any complaint that is meritorious.
- Investigations will be conducted with courtesy and respect and be minimally disruptive to the foster parents and children in their care while also ensuring that the foster home is a safe placement.
- Joint investigation with county child welfare services staff and licensing is the desired model and should be coordinated when possible. Coordination decreases unnecessary intrusion in the home while ensuring the safety and well-being of the child.
- Title 22 section 89252(a) gives LPAs the discretion to refrain from citing foster parents for deficiencies that are **not** serious and that are corrected during the inspection. For example, the LPA may discuss the deficiency with the foster parent and allow the foster parent to replace a light bulb upon discovering the child’s room did not have sufficient lighting as the bulb had gone out.
- The LPA must provide the foster parent with a clear explanation of the allegation that the foster parent is alleged to have violated, including the applicable law(s) and/or regulation(s), during the initial visit, except when there is a need to delay disclosure to avoid jeopardizing the integrity of the investigation. Similarly, if the complaint involves a violation of personal rights, then the LPA must specify the personal right(s) at issue unless there is a need to delay disclosure to avoid jeopardizing the integrity of the investigation.
- If the LPA cannot provide an explanation of the allegation at the initial visit, then the LPA must provide an explanation as soon as possible consistent with ensuring the safety of the child and the integrity of the investigation.
- LPAs will give foster parents a handout that explains the complaint procedures.

- The LPAs should make every effort to complete investigations that do not involve serious allegations within 30 days of initiating the investigation. Therefore, only serious cases may require longer than 30 days to complete. In serious deficiency cases, LPAs should complete investigations as soon as possible.
- Foster parents are permitted to have a support person present during the investigation.

### **Cross Reporting and Dual Agency Investigations**

- It is important that child welfare services agencies work closely with the appropriate licensing or law enforcement agencies when investigating suspected child abuse and/or neglect in a licensed or certified out-of-home care placement. A coordinated response between agencies is critical to minimize trauma to the child and the foster family.
- When the CWS agency receives a report of alleged abuse or death in a licensed or certified home, it shall notify the licensing office with jurisdiction over the facility immediately or as soon as practicably possible, but no later than 24 hours in accordance with Penal Code section 11166.1 and 11 CCR section 930.41.
- A report of suspected child abuse received by the CWS agency regarding a child in out-of-home care that indicates a violation of CCR, Title 22, Division 6 licensing requirements must be cross-reported to the licensing authority with jurisdiction over the home, even if it does not meet the threshold for child abuse as defined in Penal Code section 11165.6.

If you have any questions, please call Fernando Sandoval, Program Manager of the Children's Residential Program at (916) 654-0118.